

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING)**

September 24, 2001

7:00 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Gatsas.

A moment of silent prayer is observed.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Pinard, O'Neil,
Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault and Hirschmann

Mayor Baines advised that the purpose of the public hearing is to hear those wishing to speak with regard to determining whether there is a "public need" to acquire temporary easements and permanent easement from the owners of Lots 779/15 also know as 17 Pond Drive, 779/16 also known as 18 Pond Drive, 779/17 also known as 19 Pond Drive, and 779/23 also known as 25 Pond Drive, which are needed in order to proceed with the Pond Drive Sewer and Pumping Station Project; that the Chief Sanitary Engineer shall be requested to make a presentation following which those wishing to speak will be heard; that anyone wishing to speak must first step to the nearest microphone when recognized, recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

Mayor Baines requested that Thomas Seigle, Chief Sanitary Engineer, make a presentation.

Mr. Thomas stated I was going to introduce Tom. To my far right is Tom Seigle, he is our Chief Sanitary Engineer and to my immediate right is Paul Clingon, he is our Project Engineer from the firm of Hoyle Tanner & Associates.

Mr. Seigle stated because we have these boards we have given out a handout so everything that is on the board is on the handout and you should be able to follow along pretty easily. What I would like to do it give a little overview of the general project area and how this whole thing fits into the...

Mayor Baines interjected when he starts referring to this if any of you would like to just come up here and stand so that you can look at the visuals if you prefer to do that, please feel free.

Mr. Seigle continued how it fits into the overall sewer plan for the City of Manchester's Master Plan. If you go to sheet one in your packet, if you recall back in the mid 90's the Board authorized the construction of the Cohas Interceptor Phase I and the department has been working on that project since then. We have broken the project into three major contracts and several smaller contracts. To date we have completed contracts one and two. Contract one went from the treatment plant up towards South Willow Street and ended up by Dexter Shoe. Contract two went from the Dexter Shoe area and out behind Edna Avenue across Mammoth Road and up Bodwell Road. Contract three, which we are yet to finish which will complete Phase I will take us from Bodwell Road underneath the highway and from that point we will be able to go north and south with Phase II and Phase III should they be authorized to be constructed. As part of the project that we have done so far we have now been able to accomplish several projects that have been around for a very long time. The area around Crystal Lake, shown in black lines, is the sewer project that was completed this September and we have sewer the Crystal Lake area and tied it into the Cohas Interceptor. We have completed a sewer line up South Mammoth Road, an area that has long needed sewers, and connected that in. We have a project starting this month or next month. It will go up Brady Circle, down behind the McLaughlin School and basically eliminate two pumping stations and sewer that area and set-up up to continue up towards Cohas Avenue. As far as contract one, we were able to run a connector line up towards the K-Mart Plaza/Auto Fair area and sewer that area. We were also able to sewer the...I don't know if you want to call it the south or the east side of Pond Drive with a gravity sewer as you continue down towards the treatment plant. The project that we are talking about tonight is the other side of Pond Drive. It is a much more difficult area to sewer because of the way the terrain is laid out. The houses are down by the water and the road is up high and in most cases the roofs of the houses are below Pond Drive. The project, if you go onto your handout to sheet G-1 this is a general conceptual layout of the project that we are here to talk about tonight. When we originally started this project we had intended to, in our minds, put a sewer into Pond Drive and have each of these homes have their own individual pump pumping up to Pond Drive, which would then go down to the area of Kennedy Avenue where it would tie into a gravity sewer. We were out there one day looking at the area trying to get a good feel for it and a lot of the residents came out and talked to us. They were very concerned about that option and were pretty much not in favor of it. They also pointed out some drawbacks. One being what happens if there is a power outage, number two how are we going to get through all of these retaining walls and how are we going to get the pumps back behind the houses and so forth. At that point I asked the engineers to look at the gravity options and I said see if it is possible to have the gravity option and then let's present both alternatives to the residents of the area. The engineers came back and said it would be feasible to build a gravity option behind the houses if we built a city owned pumping station down at the far extreme. At that point we were talking about putting the pump station in an easement between Lot 17 and a vacant lot. At that point we went and presented this at a public meeting. What I would like to do right now before we get into that because I would like to wrap up with the timeline of how we got where we are is to have Paul Clingon, the engineer who designed this, talk about it a

little more technically and tell you some of the pitfalls and some of the problems that he has found in trying to design this project.

Mr. Clingon stated initially when we looked at this project, with any sanitary sewer the main objective is to minimize pump stations whether they are private or municipal. If you look at G-1 that Tom was referring to, in this particular case we couldn't get a straight gravity sewer so that left us with the two alternatives that Tom had mentioned which was a gravity sewer between the homes and the pond with a municipal pump station at the low end and the other alternative was each of the 16 lots would have an individual grinder pump that would pump up to a low pressure sewer system on Pond Drive. Just to give you a little bit of history of the gravity sewer, when we looked at this basically because the flow of the brook and Pine Island Pond is to the west, naturally the sewer follows those contours and the low spot is down between Lot 14 and Lot 17. During the course of the project, we did have public meetings and the consensus was that the gravity option was preferred. Technically and cost effectively that was the...HTA agreed that that was the most technically feasible as far as engineering and constructability versus the low-pressure sewer system, which I will discuss in a few minutes. We talked with the individual neighbors down at the low area between Lot 14 and Lot 17. There was an existing right-of-way for PSNH overhead line. The original intent was to put the pump station down on one of those properties. We discussed this with the Tierneys on Lot 17 and they weren't overly excited about having a municipal pump station on their property, which I can understand. So, we then talked with the other property owner, the Gorgogliiones and they actually were very interested in selling the property for a municipal pump station so that was then pursued and as you can see the design we have with the gravity system with the municipal pump station on the property that was purchased from the Gorgogliiones. The other alternative, which is a low-pressure sewer system, you can look at sheets...it says typical cross section drawing 1. As Tom said, there was a low-pressure sewer system option. Every lot would have an individual grinder pump and we weren't sure, again, because we pursued the gravity system option for design, as part of the design of a low pressure sewer system we would have to investigate each home electrically to make sure that it could take the load of the grinder pump. Also as a concern with the grinder pump is a power outage where you could have a surcharge and an overflow. If you look at the typical cross section, you can see off to the right at about elevation 150 where the gravity sewer would go between the home and pond. Off to the left, directly under where it says Pond Drive at about elevation 180 you can see where the low-pressure sewer system would go. There is an elevation difference of approximately 30 feet that would have to be pumped up. Now one of the concerns we had when we were looking at this as far as engineering is if you look at G-1 again, in between the homes are very narrow so the force main of each individual grinder pump would need to go between the homes and through the retaining walls that are between Pond Drive and the homes. The typical cross-section, and I am just kind of giving you an idea of one particular area where you can see the retaining wall. In the package you have at the end behind the cross section there are different pictures of some of the retaining walls with wood decks and stairways. There is a picture towards the back that shows two areas of going through the homes that have landscaping and tiles and pavement. It is a very difficult project with the low-pressure

sewer system having grinder pumps and pumping up through the retaining walls. Again, HTA determined that the most cost effective and technically feasible for construction was the gravity option with a municipal pump station.

Mr. Seigle stated I would just like to wrap up by giving you a timeline of how this project went along and why we are here before you tonight. I should point out that we are looking for easements on four properties. The properties are owned by the same family so we are not looking at taking it from four different families. One lot has a vacant house on it. One lot is a vacant lot and the other two lots do have homes on them. We had sent out a questionnaire about a year ago to the Pond Drive residents asking if they were interested in having sewers and if they would be interested in tying into the sewers, whether they had problems with their septic systems and whether they would prefer gravity or the pump option. In June of 2000 we did have a public meeting at the school. We had a pretty good turnout. We went over both options. Everyone at the meeting indicated that they would be in favor of the gravity option and in order to get the gravity option they would be willing to grant easements to the City. A few days later the Tierneys met with me and expressed their concern that they didn't like the idea of having that pump station in the easement between their property and the adjacent property. They were afraid that we would cut down trees. They were afraid that we would open it to pedestrian access. At that point I contacted HTA and asked them to see if they could address some of these issues. They met with Mr. and Mrs. Tierney and again the Tierneys expressed their concern and it was a valid concern. Again, at another time I did meet with the Tierneys and we were not really able to satisfy their concerns about putting that pump station in the easement between the properties. At that point we looked into purchasing the property next door to the Tierneys. We contacted the owners and they were willing to sell. We got permission from the Board to buy the property. We had it appraised. We agreed on a price and we were ready to buy the property. At that point, we sent out certified letters to all of the residents again asking point blank will you or will you not give us an easement to build a gravity sewer behind your house. We received affirmative responses on all of those questionnaires. At that point, we released the engineer to begin to design and actually closed on the property. In July of this year I received a phone call from Mr. Tierney who said that they had reconsidered and didn't want to give up four easements on four properties and that they would prefer that we went with the gravity option. I asked him to put that in writing and they did. I then contacted the rest of the property owners and let them know what was going on with the project and that we may not be able to build a gravity option. They were all very concerned. At that point, looking at what we had learned over the past year or so we felt that the best option, in fact, was the gravity option because maintenance of the sewers would be the City's responsibility, the pump station would be the City's responsibility and from an operational public health point of view and also from a constructability point of view we felt that the gravity option was the preferred option. That is why we are here tonight to ask for permission to use the eminent domain proceedings to acquire those four easements. What we are asking for are 20' wide temporary and permanent easements to construct a sewer. Once we construct a sewer, the easement would still be a City easement for maintenance purposes if necessary.

Mayor Baines stated I want to submit a petition signed by 17 residents relating to their support of that project.

Mr. Thomas stated I just want to let you know that I feel we made a serious effort to inform the public and get a consensus from those effected. Based on that, we made a commitment. We went ahead and did the final design. We did acquire the property that the pump station is going on. That cost to the City right now is in the range of about \$80,000 between the land acquisition and the final design.

Alderman Pariseau asked, Tom, what about the odor emanating from that pump station. Would the abutters have a concern?

Mr. Seigle answered they did express their concern. The way we have addressed that at the pump station is this particular pump station is going to be a below ground pump station so the only thing that would be above ground would be the vent, which we install activated carbon systems on to prevent the odors. The controls, which don't produce odors, may be a concern because we have to access them and they are going to be located up by Pond Drive in our design so we wouldn't have to access the pump station every time we went out there.

Alderman Pariseau asked how high would the vent be.

Mr. Clingon answered the pump station will probably be about 4' above the ground and the vent will probably be about the same.

Alderman Lopez asked in reference to the pump station, you are going to have greens around there so that the easement going down...would you be able to see the pump station or not.

Mr. Seigle answered if you look at the 8 ½ X 11 drawing in your handout labeled Pump Station Site Plan Sheet 1 of 1, you will be able to see the pump station depending on which direction you are looking at it. You basically will be able to see the top of it and the driveway access. From Pond Drive if you look down you will see the driveway and the top of the pump station. From Lot 17 we would not have to disturb any of the tree line buffers that are shown in green so that would stay. The other side, Lot 13, Mr. Lewis, we have already discussed this issue with him and we have agreed to put in some shrubbery and plantings to basically hide the pump station. The controls like I said will be up by the road. They will be fenced off and as unobtrusive as we can possibly make them.

Alderman Lopez asked and the easement is only for the Highway Department to get into that particular area, correct.

Mr. Seigle answered the easement that we are asking for now, yes. It is only for the sewer line and it is for the contractor to construct it and then for the Highway Department to do maintenance.

Alderman Thibault asked what is the failure rate of these pump stations. You talked about a failure rate on the personal pumps. I am wondering what rate is there of failures of these pumps and what would happen at that point.

Mr. Seigle answered the City owned pump station would have an emergency powered generator so that if, in fact, power was lost it would have its own power. We build our pump stations with duplex pumps so there is one pump on and one pump off so there is always an alternate. We maintain the pumps by inspecting them three times a week and performing routine maintenance based on our preventive maintenance system. The actual failure rate, unless you have a disaster such as a lightning struck, is next to zero.

Mayor Baines called for those wishing to speak.

William Horan, Jr., 214 Bell Street, Manchester stated:

I am here representing John and Sheila Tierney and Beatrice Tierney, owners of the properties known as 17 Pond Drive, 18 Pond Drive, 19 Pond Drive and 25 Pond Drive. I have handouts that I would like to distribute. I have the notarized copies here. The property owners whom I represent are anxious that this sewer project be completed without further delay. They have cooperated with the City in allowing the engineers to make a survey along their property and to drill holes to determine whether it was feasible to run the sewer line along Pond Drive. They are grateful for this survey and it was very helpful and they find that it has helped them to reach their conclusion, which is that it is in the best interest of the City and themselves that the sewer line be run in the normal manner under a public way, namely under Pond Drive, rather than close to the waterfront or within several feet of the waterfront. They have three main reasons for this conclusion. First, the inconveniences to themselves, which they list in their statement including the possibility of blasting through ledge within 10 feet of one of their houses. Secondly, the environmental impact would seem to be much greater running a sewer line within feet of the waterfront rather than running the sewer line under a public street, namely Pond Drive. Third, the cost to the City. It would seem as though the cost to the City...it would be easier, quicker and cheaper to put that sewer line under Pond Drive rather than try to get it down within a couple of feet of the waterfront. This basically is the reason why they feel there is no need for public easements as the public notice indicated because the sewer line should not be placed along the waterfront. It should be placed in the normal manner under the public street, Pond Drive. That completes my statement. They would like to have their complete statement included in the public record.

Carole Lessard, 20 Pond Drive, Manchester stated:

I speak on behalf of an overwhelming majority of Pond Drive residents who support a gravity feed system to be installed running parallel to the shoreline of Pine Island Pond. All of the residents of Pond Drive, other than the Tierneys belong to a common agreement that a gravity feed sewer design is preferable to any other proposal since this project is far less destructive to individual's retaining walls, far less disruptive to traffic flow during installment and by that I mean if you have ever been through Pond Drive it really is a one lane street. We have elderly people, lots of elderly people in the neighborhood who literally...it would be a great inconvenience for them to park their cars 50 feet down the road or God forbid if they needed special medical support or what have you. We all agree to the gravity system proposal also because it would be far more financially sound to the City as well as homeowners in that the maintenance is kept to a minimum. We agree to this proposal also because it is far more advantageous to the current and future water quality conditions of Pine Island Pond. Living so close to the shore of a pond simply invites the potential for water table contamination and in response to the gentlemen representing the Tierneys if the City can microtunnel a pipeline under the pond then I am sure that they can provide safe installment of a pipeline several feet from the water's edge. In closing, I wish to ask that you review all of the names of the full-time residents who have signed a document generated in a neighborhood meeting dated July 25 of this year. I believe by now you all have copies of that document. It is a gross injustice for those full-time residents that the wishes of a transient neighbor averaging simply two days a month during peak season, namely in the summer time and let me repeat that, two days a month, to be heard over the voices of all of the full-time residents. The community of Pond Drive anxiously awaits this system for it is instrumental in our daily lives as well as of paramount importance to the future quality of Pine Island Pond. I thank you for your attention.

Merrill Lewis, 14 Pond Drive, Manchester stated:

My property is immediately adjacent to where the pumping station will be constructed and I fully support its construction and am in favor of moving forward with the Pond Drive sewer and pumping station project as heretofore presented and agreed to by all of the affected property owners except one. The public need for this project has been well defined and it has been promised to the effected residents over the course of several decades. Its timely fulfillment is way overdue. This project is ecologically and environmentally sound, particularly in light of the Urban Pond Restoration Program in which the City has a significant and vested interest. It should be intuitively obvious that it makes more sense to have a common sewer line for affected properties then continue with individual aging septic systems, inevitably leeching into Pine Island Pond. The vast majority of affected property owners agree with the City and its consultant engineers that the proposed common sewer line and pumping station system offers the most feasible and best available technical alternative for the common good. Thank you.

Sheila Tierney, Pond Drive, Manchester stated:

I own three of these properties and my mother-in-law owns the fourth one. It just seemed to us all along that it would be almost ludicrous to think of having a sewer running near the water rather than in a regular place along the road. As my letter indicated, my father-in-law many years ago gave up land as many of these landowners did too to create a street. There was no street there. There was a large hill and they wanted to put the public utilities on that road. As time has gone by, that was what we thought was going to take place, to place the public utilities on the road. I understand the benefits of a gravity sewer line and I think it is nice but not to the detriment of what has to happen to our particular property, which by the way with 16 residents we represent $\frac{1}{4}$ of the properties. We were led to believe initially that if one person disagreed with having the sewer line on the road then it was automatic and the statement was because we thought it was cheaper, easier and actually faster for the City to do this. That was our choice. This was made very clear to us. As time has gone by, this one paragraph here I would like to read, "after carefully reviewing the situation with many of its inconveniences, especially that for us of additional loss of land to the City for easements, right-of-ways, loss of privacy, the environmental impact due to the proximity of Pond Drive, loss of scenic views due to tree cutting, closeness of our foundation, loss of cement foundation exit way from a cellar including cement steps, loss of a stone wall, loss of the stairway to the waterfront, loss of retaining walls, possible blasting of the ledge within 10 feet of where my son lives and by the way he lives there all the time, not just two days a month and having the pumping station in plain view along with its occasional noise and smell and destruction to the waterfront, including the plant and animal impact, just made the signing of this easement very hard for us to do." I just want you to think of that too. There is a great impact. Some people are talking about the impact to their retaining walls. We have a retaining wall to but I am talking about the actual impact to these pieces of property that we happen to own and for many, many years have owned.

Sandy Stalling, 22 Pond Drive, Manchester stated:

I just want to say that my husband and I have lived there for five years now and we have spent hundreds of dollars a year getting our holding tanks pumped out and it is very costly and I don't know how much longer we can do it for. Last year when we had all of these meetings at Goffs Falls School I sat next to the Tierneys and I had questions and when Tom Seigle had introduced this gravity pumping station to us when we all left that school building it was under my assumption and I think everyone will agree with me that everyone was in agreement with that. Everyone was saying thank God we don't have to go to the top of the street. With the privacy issue, I understand that Ms. Tierney's son does live their full-time and they own $\frac{1}{4}$ of the road and all that but how many neighbors do we have that do need this. This is what we want and with the whole stairway going down to the pond, the City has told us that it will be redone for us. I am a little confused as to why they were for this in the beginning and now they are changing their mind. Like I said short and sweet. I spend hundreds of dollars a year getting my holding tank pumped out and I can't do that anymore. That is all I have to say. Thank you.

Deputy Clerk Johnson stated for the record, I would like to note that a letter from the Conservation Commission has been submitted.

Alderman Gatsas stated I am looking at the letter from Mr. Horan and it says Lot 17, 18, 19 and 25. Have you seen the letter, Frank, because it doesn't seem to line up with the lots I am looking at? Based on Map G-1 I am looking at Lots 15, 16, 17 and 23. The letter we got from Mr. Horan says Lot 17, 18, 19 and 25.

Mr. Seigle replied those could be the addresses. One is the tax lot number.

Alderman Gatsas responded it couldn't be an even number...

Mr. Clington replied the numbers there are all messed up. Don't go by the numbers on that street.

Alderman Wihby asked, Frank, do we have any more of these pumping stations in the City.

Mr. Thomas answered yes.

Alderman Wihby asked how many of them are public.

Mr. Thomas answered we have quite a few throughout the City. Actually I believe Mr. Seigle gave the attorneys a list of various pump stations that they could go out and take a look at. They are all a little bit different but basically the same.

Alderman Wihby asked how many are public that the City owns. I thought most of them were private.

Mr. Thomas answered the City still owns quite a few pumping stations throughout the municipality. What we try to do is reduce the proliferation of pump stations and only put them in where they are required by the design to service an area, such as this Pond Drive. There is really no other way of servicing the houses along Island Pond unless there is a pump station either at the location shown on G-1 or if it was up on the street itself there would have been another pump station up at the other end.

Alderman Wihby asked do we have other ones though where the City owns the pumping station itself.

Mr. Thomas answered that is correct but again they are normally an area wide pump station. Right now the policy that we have is that we do not accept a pump station that a developer is proposing unless it conforms to our sewer master plan.

Mayor Baines advised that all wishing to speak having been heard, the testimony presented will be taken under advisement and considered by the Board of Mayor and Aldermen at a later date.

Mayor Baines advised that this being a special meeting of the Board, no further business can be presented, and on motion of Alderman Pariseau duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

City Clerk